

Message Text

UNCLASSIFIED

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ACTION COA-02

INFO OCT-01 ARA-11 ADP-00 IO-12 L-03 COME-00 CIAE-00

DODE-00 PM-09 H-02 INR-09 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SS-14 USIA-12 EB-11 CG-00 INT-08 SCA-01 SCSE-00

RSR-01 /111 W

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R 201710 Z MAR 73

FM AMEMBASSY LIMA

TO SECSTATE WASHDC 4825

INFO AMEMBASSY MEXICO

AMEMBASSY QUITO

AMEMBASSY SANTIAGO

AMCONSUL GUAYAQUIL

USUN NEW YORK 364

USCINCSO

UNCLAS LIMA 1763

MEXICO CITY FOR REGIONAL FISHERIES ATTACHE

E. O. 11652: N/ A

TAGS: PBOR, CPRS, EFIS, PE

SUBJECT: TUNA BOAT FINES DRASTICALLY INCREASED

1. FINE STRUCTURE FOR FOREIGN FLAG VESSELS CAPTURED FISHING WITHOUT LICENSES WITHIN 200 MILE TERRITORIAL SEA CLAIMED BY PERU WAS DRASTICALLY ALTERED BY SUPREME DECREE PUBLISHED IN OFFICIAL GAZETTE " EL PERUANO" MARCH 16. PREAMBLE TO AMENDMENT TO EXISTING REGULATIONS OF GENERAL LAW OF FISHERIES RECOUNTS HISTORY OF PERUVIAN STAND ON TERRITORIAL WATERS AND STATES NECESSITY OF INCREASING FINES AS REPEATED VIOLATIONS OF 200 MILE LIMIT CONSITUTE DELIBERATE NON- RECOGNITION OF PERUVIAN SOVEREIGNTY AND TERRITORIAL JURISDICTION.

2. LEGALITY OF FOREIGN FLAG FISHING WITH APPROPRIATE LICENSE, AND AMOUNTS OF REGISTRATION FEE (\$500) AND FISHING LICENSE (\$20 PER REGISTERED NET TON) REMAIN AS BEFORE. FINE PRIOR TO UNCLASSIFIED

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CHANGE IN REGULATIONS WAS TWICE SUM OF REGISTRATION AND LICENSE FEES WITH NO DISTINCTION BETWEEN FIRST AND SUBSEQUENT CAPTURES. AMENDMENT CONTAINED IN SUPREME DECREE SETS FINE FOR FIRST VIOLATION AT FOUR TIMES SUM OF REGISTRATION AND LICENSE FEES, WITH GEOMETRIC DOUBLING OF FINE FOR SUBSEQUENT CAPTURE.

3. UNOFFICIAL TRANSLATION OF DEFINITION OF REPEATED OFFENSE IS: " THE REPETITION OF AN OFFENSE COMMITTED WITHIN A PERIOD OF 4 YEARS, WHETHER BY DIFFERENT VESSELS OPERATING FOR THE SAME SHIP OWNER OR BY THE SAME MASTER EVEN THOUGH OPERATING FOR A DIFFERENT SHIP OWNER." POSSIBLE THAT CONSEQUENCES OF DEFINITION OF REPEATED OFFENSE AND GEOMETRIC DOUBLING OF FINE NOT WELL THOUGHT OUT AS FINE FOR 10 TH SHIP CAPTURE OF COMPANY FLEET WOULD BE 2,048 TIMES SUM OF LICENSE AND REGISTRATION FEES OR, FOR A SHIP OF 40 0 REGISTERED NET TONS, IN EXCESS OF \$2 MILLION.

4. COMMENT: WHILE SUPREME DECREE WAS NOT PUBLISHED UNTIL MARCH 16, IT CARRIES DATE OF JANUARY 31 OVER SIGNATURES OF PRES. VELASCO AND MINFISH TANTALEAN. DURING HEIGHT OF THIS YEAR' S VESSEL SEIZURES PRES. VELASCO REMARKED AT PRESS CONFERENCE JAN. 25 THAT FINES WERE TOO LOW AND THAT MATTER WAS UNDER STUDY. DELAY IN PUBLICATION MAY BE DUE TO DESIRE TO AVOID ACTUAL IMPOSITION OF NEW FINES THIS SEASON. TEXT BEING POUCHED. BELCHER

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*** Current Classification *** UNCLASSIFIED

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30 JUN 2005

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MEXICO
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